

REMARKS

Claims 1-14 are pending. Examiner has rejected claims 1, 3-6, and 8-14. Claims 2 and 7 have been objected to as allowable but dependant on a rejected base claim. Reconsideration and withdrawal of these rejections and objections is respectfully requested.

Examiner is also advised that ownership of the Application has changed, thus large entity fees for the extension of time have been paid. Additionally, Examiner is requested to change the attorney docket number in the Office Records to 119-0073US-C and to change the correspondence address to Customer Number 29855. A change of correspondence address form is enclosed.

Rejections Under § 112

The Examiner rejected claim 1 under 35 U.S.C. § 112 as indefinite. Applicant respectfully traverses on the grounds that the claim language used is clear to a person of ordinary skill in the art. *See* MPEP § 2171.

Claim 1 recites "A method for doubling the number of distinct multi-touch gestures that can be mapped onto a hand." One step in the method requires "measuring the geometric arrangement of the fingers," which are in contact with a surface. A subsequent step is "testing whether this geometric arrangement matches that of a neutral, relaxed hand, or of a hand whose finger have been spread deliberately." Depending on the outcome of this test, either a neutral set of gestures functions or commands or a spread set of gesture functions or commands are selected.

The Examiner stated that "the phrase 'natural, relaxed hand' and ... 'a hand whose fingers have been spread deliberately' are not clear as to the scope of the claim." Examiner further noted that "[t]he phrase 'neutral, relaxed hand' is not defined in the claim." However, the neither the statute nor office rules require that a claim term be expressly defined within the claim. Furthermore, the terms referenced by examiner are sufficiently described in the specification to convey to one of ordinary skill in the art the meaning of these terms.

For example, Paragraph [0011] describes distinguishing gestures "performed with the fingers in a relaxed, fairly compact posture from equivalent gestures performed with

fingers outstretched.” The same paragraph refers to the difficulty of a user placing his fingers in “a near infinite variety of slightly different spatial arrangements,” and observes that “the neutral and spread arrangements ... are notably the least awkward and most easily reproducible.” Paragraph [0030] describes distinguishing “whether the fingertips are arranged close together or spread apart.” Other references to particular gestures and approximate spacing for various neutral, relaxed or spread are provided throughout the specification. The context of these descriptions and knowledge of the present disclosure, coupled with the knowledge possessed by one of ordinary skill in the art provide sufficient definiteness as to the scope of claim 1.

Reconsideration and withdrawal of the rejection under § 112 is therefore requested.

Rejections Under § 103

The Examiner also rejected claim 1 under 35 U.S.C. § 103 as obvious in view of U.S. Patent 6,101,997 to Ure (“Ure”) and U.S. Patent 5,736,976 to Cheung (“Cheung”). Reconsideration and withdrawal of this rejection is respectfully requested.

It is well settled Examiner must establish a *prima facie* case of obviousness, and that unless the Examiner does so, Applicant is under no burden to provide evidence rebutting the Examiner’s *prima facie* case. MPEP § 2142. Establishment of a *prima facie* case of obviousness requires that the proposed combination of references teach each element of the rejected claim, that there be motivation to combine the references, and that there be an expectation of success. MPEP § 2143. Here, Examiner has failed to establish a *prima facie* case of obviousness because the two references do not teach each element of the claimed invention.

Particularly, Ure is directed to a touch-sensitive keyboard and mouse combination. However, Ure contains no teaching or suggestion of “testing whether [a measured geometric arrangement of the fingers] matches that of a neutral, relaxed hand, or of a hand whose fingers have been spread deliberately.” As required by claim 1. Furthermore, Ure contains no teaching or suggestion of “if the finger arrangement tests neutral, selecting a neutral set of gesture functions or commands” or “if the finger arrangement tests spread, selecting a spread set of gesture functions or commands ... that are intuitively related to the neutral set.”

Cheung fails to teach or suggest these missing limitations. Cheung is directed to a computer data entry device, namely a keyboard, that includes a motion sensor to indicate the motion of the operators fingers before they come in contact with the keyboard. This bears no relation whatsoever to "testing whether [a measured geometric arrangement of the fingers] matches that of a neutral, relaxed hand, or of a hand whose fingers have been spread deliberately," nor does it teach or suggest "if the finger arrangement tests neutral, selecting a neutral set of gesture functions or commands" or "if the finger arrangement tests spread, selecting a spread set of gesture functions or commands ... that are intuitively related to the neutral set." In fact, nothing even resembling these functions are suggested by Cheung, because the objective of Cheung is not to interpret gestures on a touch surface, but rather provide visual feedback to a user of his hand position on a keyboard.

Because the references cited fail to teach or suggest each limitation of claim 1, it is not necessary to address whether there is motivation to combine the references, although Applicant reserves the right to do so at a later date. In any event, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Each of the remaining claims depends, either directly or indirectly, from the rejected claim 1, and is therefore allowable for at least the reasons outlined above. Therefore, Applicant does not address Examiner's arguments with respect to those claims, but reserves the right to do so should that become necessary.

Because each of the currently pending claims is allowable for at least the reasons outlined above, Applicant respectfully requests that a notice of allowance for these claims issue.

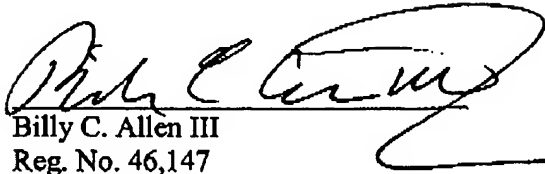
The Examiner is invited to contact the undersigned by telephone if the Examiner that would be helpful for moving the case toward issue.

* * * * *

Respectfully submitted,

March 21, 2005

Date


Billy C. Allen III
Reg. No. 46,147
Attorney for Assignee

CUSTOMER NO. 29855

Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.
20333 State Hwy 249, Suite 600
Houston, TX 77070
Phone 832/446-2409
Fax 832/446-2424

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the Patent Office at 703/872-9306 on the date below.

3.22.2005

Date


Rebecca R. Ginn